



SACHI A. HAMAI
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

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June 14, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

27 June 14, 2016

LORI GLASGOW
EXECUTIVE OFFICER

**APPROVE A RESOLUTION OF INTENTION AND APPROVE THE INTRODUCTION
OF AN ORDINANCE TO GRANT A FIVE-YEAR PROPRIETARY
WASTEWATER PIPELINE FRANCHISE TO PEPPERDINE UNIVERSITY
(THIRD DISTRICT)
(3 VOTES)**

SUBJECT

Approval of a Resolution of Intention and approval of the introduction of an Ordinance to grant a five-year proprietary wastewater pipeline franchise to Pepperdine University in the Malibu Canyon/Santa Monica Mountains, unincorporated area.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that this action is categorically exempt under the California Environmental Quality Act pursuant to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by the Board of Supervisors on November 17, 1987, and Section 15301 (Existing Facilities) of the State of California Guidelines for the implementation of the California Environmental Quality Act.
2. Approve a Resolution of Intention to grant a five-year proprietary wastewater pipeline franchise to Pepperdine University in the Malibu Canyon/Santa Monica Mountains, unincorporated area.
3. Introduce, waive reading, and place on the Board of Supervisor's agenda for adoption an ordinance to grant a five-year proprietary wastewater pipeline franchise to Pepperdine University, setting the matter for public hearing on July 26, 2016, and instructing the Executive Officer of the Board of Supervisors to publish a notice of the public hearing pursuant to Section 6232 of the California Public Utilities Code.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT THE BOARD:

Adopt an Ordinance to grant Pepperdine University a five-year proprietary wastewater pipeline franchise in the Malibu Canyon/Santa Monica Mountains unincorporated area, becoming effective 30 days after adoption thereof.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to provide Pepperdine University (Pepperdine) with legal authority to maintain and operate two existing six-inch pipelines for waste and treated reclaimed water.

The action approves: (i) a Resolution of Intention; (ii) the introduction of an ordinance to grant a proprietary wastewater pipeline franchise to Pepperdine; (iii) scheduling a public hearing and publishing a notice of the public hearing; and (iv) adoption of an ordinance to grant a five-year proprietary wastewater pipeline franchise to Pepperdine in the Malibu Canyon/Santa Monica Mountains, unincorporated area.

BACKGROUND

When Pepperdine's Malibu campus opened in 1972, campus wastewater was treated solely by Las Virgenes Municipal Water District and returned as reclaimed water from its Tapia Water Reclamation Facility (Tapia). Currently, the County operates Malibu Mesa Wastewater Reclamation Plant (Malibu Mesa) adjacent to the campus, and wastewater generated at the Malibu campus is treated at both the Tapia and Malibu Mesa facilities and returned to the campus via pipeline.

Pepperdine maintains and operates two existing six-inch pipelines under the County franchise installed in Malibu Canyon Road totaling 36,340 linear feet. A sewage main transports wastewater from the campus to the Tapia facility located approximately four miles north of the campus near the intersection of Piuma Road. A reclaimed water pipeline returns the reclaimed water from the Tapia facility to the campus where it's stored in two surface reservoirs and used in an advanced, computerized, remote-control irrigation system.

On September 22, 1998, the County of Los Angeles (County) Board of Supervisors (Board) granted Pepperdine a proprietary wastewater pipeline franchise (Ordinance No. 98-0060F). The Pepperdine franchise expired on August 9, 2012. Pepperdine has continued to comply with all the terms, conditions, and annual payment requirements on a holdover basis.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan Goal of Operational Effectiveness/Fiscal Sustainability (Goal1) directs that we maximize the effectiveness of processes, structure, operations, and strong fiscal management to support timely delivery of customer-oriented and efficient public services. Approving a Resolution of Intention and adopting an ordinance to grant Pepperdine a franchise is consistent with this goal.

FISCAL IMPACT/FINANCING

Pepperdine has paid the County a one-time fee of \$5,000 to adopt an ordinance to grant the franchise, and will pay a base annual fee of \$14,568, calculated using the volume of highway space occupied by the pipeline footage installed in Malibu Canyon Road (\$1.50 per cubic foot), adjusted upward annually using the Producers Price Index.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pepperdine is a California nonprofit public benefit corporation organized and operated for educational purposes, the primary purpose being general education and conferring academic, literary or professional degrees, diplomas, honors, or certificates from one or more campuses in the County or elsewhere in California, the United States, or abroad.

The Pepperdine wastewater pipeline franchise is being granted pursuant to the County's pipeline franchise regulations codified in County Highway Code (Title 16, Division 3A), which are incorporated by reference into the terms and conditions of the Pepperdine franchise agreement.

An approved franchise will provide Pepperdine with the ability and right to obtain an excavation permit, a requirement in the County's Permit Ordinance (Title 16, Division 1, Section 16.06.030), in the event Pepperdine needs to excavate to repair, replace, or otherwise maintain these pipelines.

The grant of a five-year franchise, in lieu of a longer term, will provide the Chief Executive Office and County Counsel additional time to seek Board approval of the proposed updates to the franchise regulations found in the County Highway Code (Title 16). Longer franchise terms will be recommended in the future, after the County Highway Code is revised, which has not been updated for many years.

Granting Pepperdine a franchise complies with California Government Code (Section 26001), which states that the Board may grant franchises for the use of County highways for all lawful purposes. The Board has granted such franchise rights to install, maintain, and operate pipelines in County highways since the first pipeline franchise regulations were adopted by the Board in August of 1924 (Ordinance 1107).

The Department of Public Works has reviewed this recommendation and expressed no objection. County Counsel has reviewed and approved as to form the Resolution of Intention and ordinance to grant Pepperdine a franchise.

ENVIRONMENTAL DOCUMENTATION

This action is categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Class 1 of the Environmental Document Reporting Procedures and Guidelines adopted by the Board on November 17, 1987, and Section 15301 of the State CEQA Guidelines (Existing Facilities).

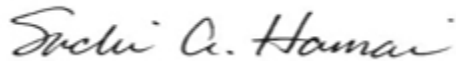
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this action will not impact or negatively affect any current services or future projects.

CONCLUSION

It is requested that the Executive Office, Board of Supervisors, return certified copies of the adopted and stamped Board recommendation and the certified ordinance Attention: Ms. Rhiannon L. Bailard, Associate Vice President, Pepperdine University, 24255 Pacific Coast Highway, Malibu, CA 90263. Additionally, please return a certified copy of the Minute Order, the adopted and stamped Board letter, and the certified Ordinance to the Department of Public Works, and the Chief Executive Office, Real Estate Division.

Respectfully submitted,



SACHI A. HAMAI

Chief Executive Officer

SAH:DPH:CMM

KW:RB:ls

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller
Public Works

**RESOLUTION OF INTENTION TO GRANT A PROPRIETARY
WASTEWATER PIPELINE FRANCHISE TO PEPPERDINE UNIVERSITY**

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California:

A. Pepperdine University, a California nonprofit public benefit corporation ("Franchisee"), has applied to the Board of Supervisors of the County of Los Angeles, State of California, for a franchise for a term of five (5) years, to lay, construct, reconstruct, maintain, operate, renew, repair, change the size of, remove, or abandon in place, pipes and pipelines for the collection, transportation, or distribution of water, recycled water, wastewater and sewage, excluding any hazardous substances or hazardous waste within the meaning of the "Comprehensive Environmental Response Compensation and Liability Act of 1980," 42 U.S.C. section 9601 et seq., and amendments thereto, together with all manholes, valves, cathodic protection systems, appurtenances, and connections necessary or appropriate for the operation of said pipes or pipelines, including poles, conduits, wires, and cables for adjunct communications lines, and other appurtenances and equipment for telegraph or telephone lines, or both, necessary or appropriate solely for the Franchisee's operations, in, under, along, or across any and all highways as defined in Section 16.36.080 of the Los Angeles County Code, now or hereafter dedicated to public use in the unincorporated territory of the County of Los Angeles, State of California, within the franchise area described in the proposed ordinance attached hereto and depicted on the exhibit map attached to said ordinance.

B. It is the intention of the Board of Supervisors of the County of Los Angeles, State of California, to grant the franchise applied for upon the terms and conditions herein mentioned. The Franchisee, and its successors and assigns will, during the life of its franchise, pay annually to the County of Los Angeles the amount specified in the proposed ordinance, and in the event such payment is not made, the franchise will be forfeited.

C. The franchise is described in the Ordinance attached hereto and is a franchise for proprietary wastewater pipeline purposes.

D. That on the 26th day of July, 2016, at the hour of 9:30 a.m., a day not less than twenty (20) nor more than sixty (60) days after the date of the passage of this resolution, in the hearing room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012, all persons having any objection to the granting of the franchise hereinabove described may appear before the Board of Supervisors and be heard thereon.

E. The Executive Officer, Board of Supervisors, shall cause a notice of said hearing to be published at least once within fifteen (15) days after adoption of this Resolution of Intention in a newspaper of general circulation published in the County of Los Angeles.

The foregoing resolution was on the 14th day of June, 2016, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



LORI GLASGOW
Executive Officer-Clerk of the
Board of Supervisors of the
County of Los Angeles

By

Sachelle Amitherman
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By

NM

NANCY M. TAKADE
Principal Deputy County Counsel
Contracts Division